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Letter dated 10 October 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to attach herewith the main conclusions and observations of the Syrian Government on the third report of the Prohibition of Chemical Weapons-United Nations-Joint Investigative Mechanism (S/2016/738/Rev.1) (see annex).

It would be highly appreciated if the present letter and its annex were issued as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the letter dated 10 October 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Responses and main observations regarding the third report of the Joint Investigative Mechanism

The Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism established pursuant to Security Council resolution 2235 (2015) visited the Syrian Arab Republic five times. Those visits, thanks to the facilitation of the Government of the Syrian Arab Republic, resulted in the following outcomes:

(a) The Mechanism held many meetings and sessions with representatives of the Syrian Arab Republic, including technical experts, jurists and information technology specialists, and reviewed, in a very professional manner and with complete transparency, information related to the nine alleged incidents. It was emphasized to the Mechanism that all of the areas being investigated had been under the control of armed terrorist groups since the start of the events in Syria. Indeed, those areas were akin to a stage for those groups on which they could play out scenarios of their choosing, falsify evidence and distort facts;

(b) The Mechanism was provided with many documents, electronic files and pictures related to the nine incidents. It was also explained that the armed terrorist groups are not credible and the videos concerning the purported incidents that they published are fabricated, something that drew the attention of the Mechanism's investigators. Those videos were the subject of much discussion. The Mechanism decided to disregard a number of them after it was established that they had been fabricated and recorded either before or after the event, but it did not mention why the fabrication had occurred or its aim, which was to prepare the scene of the incident or to arrange it in such a manner as to dovetail with their allegations;

(c) The Mechanism was provided with a list of intercepted wired and wireless communications relevant to many incidents, including the nine incidents, demonstrating that the armed terrorist groups were striving to obtain or had obtained toxic chemicals, or wished to use them;

(d) The Mechanism was given the names of pesticide dispensaries and locations where chemicals are stored and their coordinates (see sect. V.A.3, entitled "Barrel bombs", para. 47);

(e) The Mechanism was given information regarding differences between the armed terrorist factions that were present in the towns in question;

(f) The Mechanism was given information on how Syrian Arab Army forces were deployed near the towns in question;

(g) The Mechanism was provided with plans of the towns that were allegedly targeted and the coordinates of some of the targets (the homes of some of the terrorists, warehouses and facilities used to manufacture weapons and

explosives), as well as the coordinates of structures that were not targeted (regular and field hospitals);

(h) A number of witnesses from the areas that were allegedly attacked were located, and the Mechanism carried out multiple and thorough interviews with them;

(i) The Mechanism met with numerous senior Syrian Arab Army officers having a variety of specializations;

(j) The Syrian Arab Republic provided all the assistance required to facilitate the conduct of the investigation into those incidents;

(k) Most, if not all, of the questions posed by the Mechanism were answered, with the aim of uncovering the truth;

(l) Mechanism team members received the utmost cooperation during all visits, particularly those that were related to technical and security matters. More than once in its reports, the Mechanism drew attention to the cooperation that the Government of the Syrian Arab Republic had given it.

To underscore the fact that the Syrian Arab Republic continues to cooperate with the Mechanism in all transparency, the Syrian national committee opened a broad internal investigation into the points raised by the Mechanism in its most recent report, with a view to obtaining further details and determining the accuracy of the conclusions arrived at by the Mechanism. The national committee also conducted a thorough study (technical and legal) and reviewed flight plans and air operations in some of the areas under investigation and at Humaymim and Hama airports. That investigation is ongoing and is being monitored closely by the national committee.

The Syrian Arab Republic has not denied that it had used conventional weapons to target the headquarters of armed terrorist groups in the towns under consideration. It has also repeatedly affirmed that it does not need to use chemical weapons armed with chlorine gas for many reasons, the most important of which are:

(a) Chemical weapons containing chlorine gas date back to the First World War and are antiquated; they are far less effective than conventional weapons. Chemical weapons have limited effectiveness in low-lying areas. Their effectiveness is completely dependent on ideal weather conditions, and it is not possible to control the winds. It is also easy to avoid the effects of such weapons by leaving the area. On the other hand, the effect of traditional explosives radiates in all directions and cannot be avoided, because of how quickly they destroy the surrounding area, starting with persons. They also destroy all targets near the site of the explosion and have a larger radius of destruction (because of blast fragments, the blast wave and the high heat released). It should also be noted that the number of victims in the alleged incidents is small and inconsistent with the use of chemical weapons;

(b) We should also like to note that the Syrian army lost a number of important, strategic locations, such Tall al-Harah, several airports and other locations. It did not use chemical weapons against the attacking terrorists in order to maintain control of those locations. Why would it then use such weapons against civilians, and what would that achieve? This is something that the Mechanism did not address. The use of chlorine is not beneficial to the Syrian army from a military perspective and is ineffective in the field compared to traditional weapons;

(c) From a political perspective, it is not in the interests of the Syrian Arab Republic to use such weapons, because the Syrian Arab Republic is a member of the Organization for the Prohibition of Chemical Weapons (OPCW). However, it is in the interests of the armed terrorist groups to marshal international public opinion against the Syrian Government by accusing it of using such weapons and fabricating numerous incidents. They are aware that public opinion is the most destructive weapon of all, and the alleged civilian victims (children, women and the elderly) would be highlighted in those fabricated incidents.

The weaknesses in the report of the Joint Investigative Mechanism are many and clear. Following are some of the most significant of those weaknesses:

(a) The Mechanism relied on the fact-finding mission's unprofessional and politicized reports as a starting point for its investigations, although we argued that the Mechanism should steer clear of the conclusions and reports of the fact-finding missions, because of their shortcomings and weaknesses. We requested that the observations we had sent should be reviewed by the Mechanism, which has demonstrated that its reports are based on suppositions and probabilities, not facts;

(b) In annex VII, paragraph 3, of its report, the Mechanism quotes the following passage from the fact-finding mission's report: "In itself, no one source of information or evidence would lend particularly strong weighting as to whether there was an event that had used a toxic chemical as a weapon. However, taken in their entirety, sufficient facts were collected to conclude that incidents in the Syrian Arab Republic likely involved the use of a toxic chemical as a weapon. There is insufficient evidence to come to any firm conclusions as to the identification of the chemical, although there are factors indicating that the chemical probably contained the element chlorine." That passage alone demonstrates that the conclusions drawn by the Mechanism regarding the incidents are completely flawed, because the Mechanism relied only on probabilities and theoretical conjectures that are not substantiated scientifically, legally and technically;

(c) It also uses such expressions as "needs to conduct additional analysis", thus raising doubts about the evidence on which it relied. In addition, it reaches definitive conclusions but uses expressions that are not at all supportive of such conclusions. Those expressions include: might be possible, unknown and uncertainty about the information obtained;

(d) The Mechanism noted that, in a number of incidents, there had been tampering with the impact location, and remnants (ammunition, animals, etc.) had been brought in from elsewhere and placed at the location of the alleged incident. The Mechanism did not make it clear why that had been done and what the aim was. Furthermore, in the case of an incident in which it is alleged that two weapon systems had been used, we wonder how is it possible to conclude that evidence at one impact location had been tampered with and the allegation must therefore be rejected, while accepting the allegation in respect of the other site (paras. 49-51);

(e) In section V (assessments, findings and conclusions), paragraph 27, of the report, the Mechanism states that it was unable to access incident locations and verify the evidence that had been presented to it or the fact-finding mission. This inability adversely affected the report of the Mechanism. We therefore do not

believe that any real evidence had been presented to the Mechanism that would support the terrorist groups' allegations;

(f) In annex I, paragraph 27, of the report it is stated that there were challenges and factors that affected the investigation's ability to reach conclusions, including the fact that impact or incident locations had not been cordoned off, in order to prevent anyone from approaching them and thus protect the remnants of the alleged incident that were being recorded. The video recordings were made and the pictures were taken several days after the alleged incidents had occurred, and, in many cases, the remnants of the explosive devices had been either moved or removed. This fact makes it certain that the impact sites had tampered with and proves what the Government of the Syrian Arab Republic has been stressing regarding the fabrication of evidence and videos. It has been proven on more than one occasion that the purpose of these videos is to incite against the Syrian Arab Army and marshal public opinion against it;

(g) The samples referenced in annex III, paragraph 44, of the report were not collected in accordance with the standards of the chain of custody for samples set out in part XI of one of the annexes to the Chemical Weapons Convention, nor were those standards observed. The samples were collected without orders, monitoring, supervision or approval, meaning that they have no legal standing whatsoever, just like the other samples that the Mechanism had rejected and for those same reasons, something that is stated throughout the report;

(h) According to annex VIII, paragraph 35, of the report, the remnants were not collected, received, stored and analysed in accordance with legal standards, and were therefore not accepted by either the fact-finding missions, OPCW or the Mechanism;

(i) In section V (assessments, findings and conclusions), paragraphs 26 and 27, of the report it is stated that the Mechanism and the fact-finding mission had been unable to collect samples in a professional manner (environmental samples; samples from affected persons, if that were indeed true; and samples of the remnants of explosive devices taken from the impact location) and obtain reliable medical reports accompanied by certified laboratory analyses. Accordingly, the Mechanism was unable to obtain any new evidence that confirmed its conclusions;

(j) The Mechanism was unable to hear new witnesses. Instead, it relied on politicized testimony provided by the fact-finding mission that had sometimes been given in another country. In annex IV, paragraphs 22 to 28, the Mechanism described the testimony as being questionable and therefore did not constitute convincing evidence;

(k) No investigation was conducted into the use by armed terrorist groups of two chlorine production facilities (that were under their control) to produce weapons that contain chlorine gas. Nor was any attempt made to determine what happened to their contents, what the terrorist organizations the Front for the Conquest of the Levant (formerly the Nusrah Front) and Islamic State in Iraq and the Levant (ISIL) did with them, why they took control of them and why these claims started to appear after they had taken control of the production facilities, even though they had repeatedly threatened that they would use it. The two chlorine production facilities are briefly addressed in paragraphs 40 and 41, section V.A.;

(l) The Mechanism reported that it had not found any evidence that the armed terrorist groups had used the helicopters of which they had taken control at Taftanaz airbase. However, that does not mean that this possibility should be dismissed without first looking into it in a professional manner, particularly given that the Mechanism was provided with detailed information about the equipment that was there, including operational aircraft and spare parts, when the armed terrorist groups had taken control (paragraphs 43 and 67 of the report);

(m) In section V, paragraph 29, of its report, the Mechanism states that its investigation was affected by several factors, including the fact that it was being conducted a long time after the alleged incidents had occurred. That situation led to incorrect and inaccurate results, because it was unable to hear witnesses, collected samples, visit the sites of the alleged incidents, etc. It had therefore relied on imprecise information;

(n) In annex I, paragraph 23, the Mechanism sets out classifications for evidence based on how convincing the evidence is. It establishes three categories: A, B and C. A review of all the incidents reveals that the Mechanism relied on information and evidence that falls under category C, meaning that it indicates probability. Accordingly, the evidence that pertains to the Government of the Syrian Arab Republic in general, as well as the evidence that pertains to the incidents that occurred in Talmenes on 21 April 2014 and in Sarmin on 16 March 2015 specifically, is all based on possibility, notwithstanding the well-known legal principle which states that judgments are founded and handed down on the basis of certainty, not suspicion, possibility or conjecture;

(o) Any piece of evidence that fails to meet any of the requirements for validity becomes an inference, and that is not a sufficient basis for rendering judgment. Accordingly, the items that are classified under category C are not evidence, but rather the product of inference. It is therefore impossible to consider them as evidence on which outcomes may be based;

(p) The Mechanism did not present a study regarding the altitudes from which the weapons were fired and the delivery system, although it was given a video clip showing armed terrorist groups using such delivery systems as "hell cannons", firing them from high above at targets below in a manner similar to explosives being dropped from an aircraft, and although the Mechanism's investigators gave great attention to this video;

(q) The Mechanism completely ignored the information that the Government of the Syrian Arab Republic presented to the Mechanism and OPCW regarding the efforts of armed terrorist groups, particularly ISIL, the Front for the Conquest of the Levant and their affiliates, to obtain, test and use toxic chemicals, and failed to mention that information in its report. The Mechanism also failed to draw attention to the terrorist threat that those organizations pose to international security, or to the need to combat them and suppress the threat that they pose;

(r) In paragraph 3 of the introduction to the report, it is stated that the Mechanism investigated nine selected incidents involving the use of chemicals as weapons in the Syrian Arab Republic. Although the mandate of the Mechanism, as set out in Security Council resolution 2235 (2015), covers the entire territory of the Syrian Arab Republic, it is nonetheless surprising that the Mechanism chose to

investigate incidents that occurred in areas controlled by armed terrorist groups, including the Front for the Conquest of the Levant (formerly the Nusrah Front), which was designated as a terrorist group on 30 May 2013 pursuant to Security Council 1267 (1999), the Soldiers of al-Aqsa and Ahrar al-Sham, but failed to investigate incidents that involved our soldiers, choosing to ignore those completely;

(s) The pressure being applied to the Syrian Government is not the only effect that ongoing obfuscation has had. It has now become the norm for the Mechanism to ignore the real threats, which are detrimental to international security and peace, and focus on inferences and personal beliefs that are unrelated to the material elements, which should constitute the evidence in the above-mentioned incidents;

(t) In paragraph 47 of section V.A.3 (barrel bombs) of its report, the Mechanism states that the possibility that munitions hit toxic chemicals on the ground could not be ruled out in some cases, in particular because alleged remnants of the devices at impact locations shown had been removed from those locations before their documentation;

(u) In annex I, paragraph 10, it is stated that the Mechanism held meetings with what it called "armed opposition groups" and members of the so-called Syrian national coalition, on the pretext that this was necessary to the investigation. However, we had previously informed the Mechanism that they are nothing more than armed terrorist groups, and that we could not understand the purpose of holding meetings with them. We wonder what use there was in interviewing persons who had not been present at the sites of the incidents under investigation. If those persons influenced the Mechanism members with their ideas or if they proffered misleading information, then it should be recalled that any information not provided by a person who witnessed an incident (circumstantial evidence) or any material evidence that was not taken from the above-mentioned sites in accordance with the rules governing the integrity and accuracy of evidence cannot be used to establish the occurrence of an event and make an accusation;

(v) In annex I, paragraph 12, the Mechanism does not mention any of the non-governmental organizations with which it cooperated. The Mechanism also fails to clarify how those organizations are linked to the Mechanism or the investigation. It is therefore not possible to rely on their statements, as they lack credibility;

(w) Annex I, paragraph 22, makes it clear that the Mechanism prepared the report hastily. On 10 August 2016, the Mechanism began reviewing the incidents and preparing the report, which was submitted to the Secretary-General on 24 August 2016. In other words, the evidence was assessed, the incidents and information were reviewed, and the report was prepared in a period of less than 15 days. We believe that the report was issued prematurely. It did not undergo an in-depth review and was issued with unjustified haste only because of the pressure that was put on the Mechanism to put the report out with these shaky conclusions. The Mechanism divided its work into three phases and began working on 24 September 2015. In the last phase, the Mechanism was to assess the evidence, review the incidents and update information on activities up to 19 August 2016, including the final assessment carried out by the Leadership Panel;

(x) We also note that the report drew on evidence from the reports of the fact-finding missions. The Government of the Syrian Arab Republic had previously disputed those reports and presented its responses to them. In its responses, the Government had addressed those reports' shortcomings, including shortcomings that rendered the reports without any legal value and made it imperative not to rely on them. As will be noted later, this subsequently proved to be the case in certain parts of the report under consideration. The Mechanism cited evidence that appears in the reports of the fact-finding missions and it sometimes rejected such evidence, although the working mechanisms of those fact-finding missions and the manner in which they collected evidence were identical;

(y) The fact that the mission did not visit any locations in the field (annex I, para. 26) had an adverse effect on the conclusions that it drew. The Mechanism relied on video recordings, the majority of which proved to be fabricated, and the testimony of witnesses whose identification documents were not verified. In addition, the report did not present any certified medical reports regarding injuries sustained by persons who were allegedly exposed to toxic substances;

(z) All of these points prove that the Mechanism's findings are nothing more than a collection of inferences and personal conclusions and do not constitute sufficient evidence to level the accusations set out in its report. Those points also establish that there has been a legal transgression, particularly in respect of part XI of one of the annexes to the Chemical Weapons Convention and the investigation methodology set out therein.

Based on the foregoing, it is clear to us that the report is founded on the conclusion by the Mechanism that the Syrian side may have possibly used chlorine in the two alleged incidents. This conclusion is based on the statements of witnesses brought forward by the armed terrorist groups or their sympathizers. The report does not offer any substantiated material evidence that chlorine was used, whether samples or certified medical reports.

From a legal perspective, these conclusions cannot be considered evidence that the Government of the Syrian Arab Republic is guilty. The conclusions set out in the report of the Mechanism are flawed. Judgements are founded on certainty, not on possibility, conjecture, theoretical assumptions and false testimony.

Our observations regarding the Mechanism's report on the Talmenes incident, 21 April 2014

The conclusions reached by the Mechanism regarding this alleged incident were based on the reports of the fact-finding missions, which the Government of the Syrian Arab Republic had previously refuted. The fact-finding mission report on that incident contains legal, technical and scientific flaws.

In annex IV, paragraph 5, it is stated that some witnesses had said that Talmenes was controlled by the Nusrah Front terrorist organization at that time, while other witnesses had said that it was under the control of Faylaq al Sham. We draw attention to the contradiction in the statements made by witnesses from the town, who were unable to identify the group that was in control.

In annex IV, paragraph 8, we note the contradiction in the stories that were told by the witnesses who had been brought forward by the armed terrorist groups,

witnesses whose identities were not established or verified. The incident in question is therefore nothing more than a scenario that was acted out by the armed terrorist groups that were in control of the entire area and everything in it. It is plain to see that this is the case from the contradictory witness statements regarding the situation in the area, with some saying that it had been volatile and others saying that it had been calm.

Annex IV, paragraph 11, of the report concerns the witness to the alleged incident in Talmenes that the Government of the Syrian Arab Republic provided. The testimony of this witness, who figures in all phases of the investigation (the fact-finding missions and the Mechanism), was neglected, despite its importance and despite the fact that it was taken into account. This leads us to wonder why certain testimony is favoured over other testimony.

In annex IV, paragraph 12, it is stated that an unidentified source informed the Mechanism that ISIL had taken advantage of Syrian Arab Army bombardment on the date of the incident to fire shells armed with chemicals. Those shells injured 83 persons and killed a large number of livestock. This clearly demonstrates that there were actors who took advantage of the Syrian Arab Army bombardment to fabricate an incident in order to accuse the Syrian army of using chemical weapons.

In annex IV, paragraph 13, it is stated that a video was recorded on 23 April 2014, whereas the alleged incident occurred on 21 April. This indicates that the video was fabricated and must not be accepted as evidence. The illegality of this video confirms that the site of the alleged incident had been tampered with and that evidence had been fabricated, as indicated in the paragraph.

In annex IV, paragraph 19, it is stated that higher-resolution images could theoretically lead to conclusions regarding this incident that differ from those that are set out in the report, and the nature of those conclusions is also addressed. Although there is more than one just one possibility and premise in relation to this alleged incident, the Mechanism, in its report, reaches a specific conclusion, and accuses the Syrian Arab Army without offering any irrefutable, lawful and scientific evidence.

With regard to annex IV, paragraphs 25 and 26, as well as paragraph 13, we note that there was extensive and repeated fabrication in all of the alleged incidents. The recording took place on 20 April 2014, one day before the alleged incident. This means that after the site of the fabricated incident had been prepared, the video was recorded and then published in order to make it appear that incident had occurred on 21 April.

There are no grounds for ignoring the information set out in annex IV, paragraph 22 and subsequent paragraphs, regarding location No. 1, particularly given that it was proven to the Mechanism that the incident had clearly been fabricated. This furthermore establishes that the circumstances and facts related to location No. 2 were also fabricated. Those who were responsible for the fabrication at location No. 1 were surely capable of doing the same at location No. 2. It is said that two bombs were dropped simultaneously in the alleged incident of 21 April 2014. How is it possible to establish that falsification had occurred at location No. 1 but not at location No. 2, even though they are no more than 75 metres apart? This indicates that the Mechanism might have issued its report prematurely, and without

due consideration of the available information, and that the report is based on the tales told by the armed terrorist groups and their false witnesses, and on conjecture and possibility, rather than certainty. In paragraph 26, it is noted that the bodies of the dead animals look clean and intact, meaning that they were not in the vicinity of the impact location. In other words, the Mechanism overlooked the possibility that someone had brought those animals to the impact location and made a recording of them for use as fabricated evidence to prove that there were toxic substances at that location. This is particularly true of the video that showed signs of heavy editing (montage, etc.) and is mentioned in annex IV, paragraph 27. If that is not the case, then the team that prepared the report erred in its conclusion.

Paragraph 29 indicates that the video was recorded two days after the incident. This is surprising, given that those groups were in control of the entire area. This indicates that the person who made the recording had rearranged the scene of the incident and brought fragments and remnants from another location in order to simulate a chemical attack and then accuse the Syrian Arab Army of having carried out the attack or raise suspicions that it had.

In annex IV, paragraph 30, the Mechanism states that samples taken two days after the event at location No. 2 were provided to an international newspaper. It goes on to add that the results of a sample analysis were published on 29 April 2014. That sample was therefore not collected, stored or transported in accordance with the chain of custody established for that purpose and set out in part XI of one of the annexes to the Chemical Weapons Convention. This means that the sample is unlawful regardless of the results of the analysis, which does not specify the substance that was used. Those components might occur naturally, or the samples could have been tainted. Nonetheless, the Mechanism relied on that information and mentioned it in this paragraph.

The Mechanism did not take into account, but rather ignored, the opinion of another source that is cited in paragraph 31. The source stated that it had no scientific evidence of the use of chlorine.

The yellowing and dead leaves mentioned in paragraph 42, were not necessarily caused by what is alleged to be chlorine. This could have been caused by a number of other things, including the use of pesticides in high concentrations or under inappropriate conditions, or the heat released by the explosion of a conventional shell. This indicates that the conclusions were based only on probability, not scientific evidence that proves that chlorine gas was used.

In annex IV, paragraph 43, it is stated that a forensic laboratory had informed the Mechanism that the damage at location No. 2 was caused by a barrel bomb, and that the large size of the remnants indicates that either the device contained explosives that did not detonate or that it contained only a small amount of explosives. This raises a logical question: what happened to the explosives that did not detonate, as they must surely be at the location?

The report also did not indicate that the weapon was non-conventional (meaning that it was conventional), thus confirming that it was not a chemical weapon. The Mechanism, however, did not make use of this evidence, but chose rather to ignore it, despite having referred to it. It based its conclusion regarding this incident strictly on inferences, which are not taken into account without evidence.

In section IV, paragraph 49, it is stated that neither the death certificate nor the autopsy provides a cause of death. Nonetheless, the Mechanism decided to accuse once again the Syrian Arab Army in its report without having scientific evidence to support its claim.

It is clear from annex IV, paragraph 56, and subsequent paragraphs, that the conclusion arrived at by the Mechanism was based on testimony from witnesses who belong to armed terrorist groups in that area or are their sympathizers. The Mechanism has no irrefutable scientific, technical and legal evidence on which it can base such a conclusion. Its conclusion is based on conjecture and probability, instead of certainty, and this is legally, logically, scientifically and technically inadmissible. How can it determine what happened at location No. 2 and completely reject the information related to location No. 1, despite the fact that the munitions were allegedly dropped simultaneously from a helicopter?

Our observations regarding the Mechanism's report on the Sarmin incident, 16 March 2015

The conclusions reached by the Mechanism regarding this alleged incident were based on the reports of the fact-finding missions, which the Government of the Syrian Arab Republic had previously refuted. The fact-finding mission report on that incident contains legal, technical and scientific flaws.

In annex VIII, paragraph 3, the Mechanism quotes the following passage from the fact-finding mission's report: "In itself, no one source of information or evidence would lend particularly strong weighting as to whether there was an event that had used a toxic chemical as a weapon. However, taken in their entirety, sufficient facts were collected to conclude that incidents in the Syrian Arab Republic likely involved the use of a toxic chemical as a weapon. There is insufficient evidence to come to any firm conclusions as to the identification of the chemical, although there are factors indicating that the chemical probably contained the element chlorine." That passage alone demonstrates that the conclusions drawn by the Mechanism regarding the incidents are completely flawed, because the Mechanism relied only on probabilities and theoretical conjectures that are not substantiated scientifically, legally and technically.

In annex VIII, paragraph 18, it is indicated that a source stated a night-time air raid conducted by the Syrian Arab Army near Sarmin destroyed a depot containing conventional ammunition and non-poisonous chemicals. The resulting fire had led to the release of caustic gases and vapours. This incident was used as a pretext to make allegations against the Syrian Arab Army. Those allegations are as far removed from the truth as possible.

Annex VIII, paragraph 25, provides the coordinates of the alleged impact location. Those coordinates are not consistent. Accordingly, neither the testimony of those witnesses nor the conclusions that they reached should be taken into account.

In annex VIII, paragraph 26, it is stated that the location of the car accident could not be determined. However, this does not mean that the information is inaccurate. The Government of the Syrian Arab Republic has had no presence, representation or source of accurate information in that area for years, because the armed terrorist groups control everything in that area.

In annex VIII, paragraph 29, it is stated that the remnants and pieces of the alleged explosive device had been moved from the impact location to the road. This means that the evidence was tampered with and remnants were brought from elsewhere in order to claim that they were the product of the incident that allegedly occurred on that date. It is therefore impossible to rely on this material evidence.

In annex VIII, paragraph 28, it is indicated that, according to the armed terrorist groups and their witnesses, the munitions that were allegedly used were made of thick metal. However, metal of such thickness and dimensions is not used for bombs or chemical devices.

In annex VIII, paragraph 32, a witness is quoted as saying that "the size of the munition (barrel)...." That witness was recounting what he had seen several hours after the alleged attack. Meanwhile, the Mechanism ignored a video presented by the Government of the Syrian Arab Republic that completely contradicts the account of that witness. That video clearly shows that there were no refrigerant-gas canisters. The canisters were therefore brought to the location of the alleged incident in order to add the final touch and complete the fabrication, and to accuse the Syrian Arab Army of having carried out the attack. The person who presented the video noted in the above-mentioned paragraph is simply a false witness who provided false information.

In annex VIII, paragraph 33, it is stated that the utensils that were in the kitchen had been moved, because they appear in one video but not in another. This demonstrates that the location had been tampered with in order to perpetrate the usual fabrication and accuse the Syrian Arab Army. In that connection, the Government of the Syrian Arab Republic noted that there was no indication that there had been any changes in the utensils that were in the kitchen. However, if one were to suppose, for argument's sake, that the utensils had been exposed to what was alleged to be chlorine, then one would expect to see changes in their shape, lustre or colour as a result of the reaction between what was alleged to be chlorine and the metal. Accordingly, this claim is completely erroneous and is nothing more than an attempt to deceive.

In annex VIII, paragraph 35, it is noted that the manner in which samples were collected, received, stored and analysed was not in keeping with legal standards. Accordingly, neither the fact-finding missions nor OPCW nor the Mechanism relied on those samples.

The small metal containers mentioned in annex VIII, paragraph 36, are Freon gas canisters. Refilling and repurposing such canisters to be part of a device would be dangerous and require some very fundamental and highly technical modifications to be made. The process would be complicated and require special equipment and skills, and we pointed this out to the Mechanism in our discussions regarding the sample that was presented. We had also informed the fact-finding mission that this process was complicated and not sensible, and that it was more theoretical than practical. When it exploded, the contents of the device would be dispersed and the required interaction of its components would not occur. Accordingly, the model proposed is not correct.

The substance of annex VIII, paragraph 37, was based on the conclusions of the fact-finding mission, and those conclusions were based on that incorrect and

theoretical design, which we had confuted in meetings with the Mechanism. It is something that is theoretical and cannot be put into application (please see the enclosure regarding this theoretical device).

With regard to annex VIII, paragraph 38, we note that the Mechanism's conclusion is based on the assumption, not the certainty, that chlorine may be produced by the reaction of hydrochloric acid with potassium permanganate. Accordingly, this theory cannot be considered as being definitive or proven.

In annex VIII, paragraph 42, it is stated that there was no logical explanation for the presence of the trinitrotoluene in the cylinders that was detected in the analysis, and that this substance was not normally found in chemical devices. The Mechanism therefore found that the analysis did not provide sufficient grounds for drawing a definitive conclusion.

This suggests that the conclusion that it was a chemical device is based on assumptions that are contrary to the evidence arising from the chemical analysis. It suggests, rather, that the device was a conventional explosive.

With regard to annex VIII, paragraph 45, we note that neither the Mechanism nor the witness specifies how the alleged witness intercepted the communications of the pilot with his base, or whether the witness recorded them. We wonder how the witness and the information he provided were judged to be credible, although there was no mention of a chemical weapon in the alleged communication. Did he testify without providing any proof in support of his testimony?

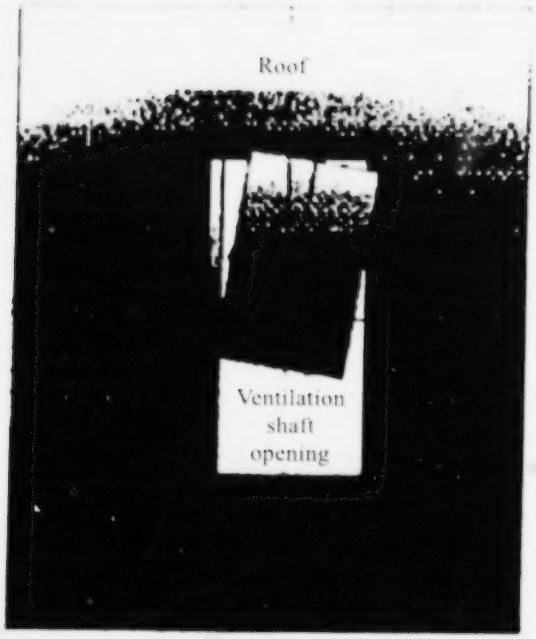
With regard to annex VIII, paragraph 47, we wonder why it was assumed that the crater was caused by a barrel bomb containing Freon canisters, instead of a conventional explosive, particularly given that there was no evidence that the bomb contained chlorine. The Mechanism's conclusion is based on probabilities only. It accepted one possibility and rejected the other. We wonder why it rejected the possibility that an explosive device of the same weight had been launched from a land-based rocket or mortar launcher, particularly given that the terrorists are capable of developing, manufacturing and firing rockets and mortar shells of various sizes and weights.

The Mechanism accepted one possibility regarding the contents of the barrel that had been dropped and rejected the other possibilities, although there was no other evidence to support the conclusion that it drew.

With regard to annex VIII, paragraph 52, we note that the conclusions drawn regarding that incident are based on conjecture and assumption, not on scientific analysis that is backed by scientific facts. It indicates that those who drew that conclusion had not reviewed the hundreds of videos that demonstrate the ability of the armed terrorist groups to manufacture and fire various weights and sizes of the type of munition mentioned in the report.

In annex VIII, paragraph 58, it is stated that, in our meeting with the Mechanism, we said that the explosion had been caused by household gas. That comment was not intended to be definitive; it was mentioned only by way of example, and to indicate that the remnants found at the location were consistent with a conventional explosion, rather than with the explosion of a chemical device containing chlorine. A simple diagram juxtaposing the dimensions of the ventilation

shaft (1.5 x 3 m) with those of the canister without fins (1.25 x 2 m) shows that it was impossible for the canister to have entered the shaft at all without hitting the sides and exploding, if it was equipped with a percussion fuse and its angle of entry was between 82 and 85 degrees, i.e., almost vertical.



Why was the point of detonation not determined (whether at the shaft or at the first or second level below ground)? It would have been very easy to determine the point of detonation from the marks caused by the detonation and from the remnants of the bomb. Those are the two most reliable pieces of evidence when analysing explosions and the type of explosive used.

With regard to the six-person family noted in annex VIII, paragraph 60, we can only stand amazed at the idea that the alleged munition, which was supposedly large and dropped from a helicopter, could have happened to fall precisely into the ventilation shaft and exploded at the second level below ground, a feat that would have been difficult to achieve. The video shows the scale of the explosion caused by the alleged munition. However, the scale of the explosion in the building as shown in the video could not have been produced by a munition that was dropped, but only by one that was launched, or by a conventional explosive device. That much can be seen from the clear damage to the reinforced concrete. And yet only three members of a family that was in the house were harmed in this alleged chemical attack. There are also discrepancies in the story, particularly as regards the two girls and the grandmother, and whether the girls were alive when they were rescued. The contradiction was confirmed by the Mechanism when it said that it was impossible to clarify the matter further. It follows that the witnesses were not giving a truthful

account when they claimed to have visited the location after the explosion and noticed a strong smell of chlorine, despite the time that had elapsed since the incident, and claimed to have seen exploded green-refrigerant gas canisters. This merely shows that the witnesses were lying and had been coached. Who would be able to distinguish between refrigerant gas canisters by type, smell and so on? That is quite apart from the feat of launching an item so that it fell through the ventilation shaft to that floor.

The account provided by the first responders to the incident is also incorrect. They contradict one another as to whether the two parents and one child were rescued first, and the grandmother and two girls 30 minutes later. If we review the faked footage of the hospital, we can see the grandmother laid out on the bed even before the child who was rescued with the parents comes in, and then the two girls.

In annex VIII, paragraph 63, it is stated that the doctor who issued the death certificate for the family did not specify the cause of death, something that casts serious doubt on the witnesses' credibility.

Annex VIII, paragraphs 64 and 65, describe how the Mechanism carried out a simulation of the incident to estimate the probability of chlorine use. According to the report, the exercise clarified the probability and effect of chlorine use, and presented the possibility of injuries considering the atmospheric and environmental factors from a theoretical perspective. It sought to obtain a more reliable number of casualties, while taking into consideration several factors and stating that specific information was needed. Nevertheless, with that in mind, the Mechanism used part of the model to assess the effect on the population exposed. This means that these conclusions are not definitive, and that the Mechanism's findings regarding the incident are based on conjecture and simulation.

In annex VIII, paragraph 67, it is stated that the number of casualties should have been around 91, whereas the number of putative casualties was in fact no greater than 49. The Mechanism was not able to establish the number of casualties with any certainty in that situation, or to make an exact calculation. It follows that the Mechanism's findings are neither definitive nor certain. This shows that the claims are untrue.

Annex VIII, paragraph 71, sets out the assumptions underlying the report's conclusions regarding the alleged incident in Sarmin. The report states that location No. 2, the basement of a house under construction, was hit by a bomb or barrel bomb containing canisters of refrigerated gas, and that the kinetic effect of the bomb, which was dropped from a very high altitude, caused the deaths of the family of six.

The report does not prove that the deaths were caused by inhalation of a toxic chemical gas (chlorine).

The report is based on conclusions that the Mechanism reached on the assumption that the Syrian side used chlorine. Those conclusions are based on statements made by witnesses belonging to the armed terrorist groups or their sympathizers. Nowhere does the report mention confirmed material evidence of chorine use, whether in the form of samples or certified medical reports. The report does not prove that the deaths were caused by chlorine inhalation; it shows that damage to the home was caused by a falling projectile that had been dropped from a

great height. From a legal perspective, this cannot be taken as evidence to inculpate the Government of the Syrian Arab Republic; it is no better than the conclusions on which it is based. Judgements are based on certainty, not on probability, conjecture or false testimony.

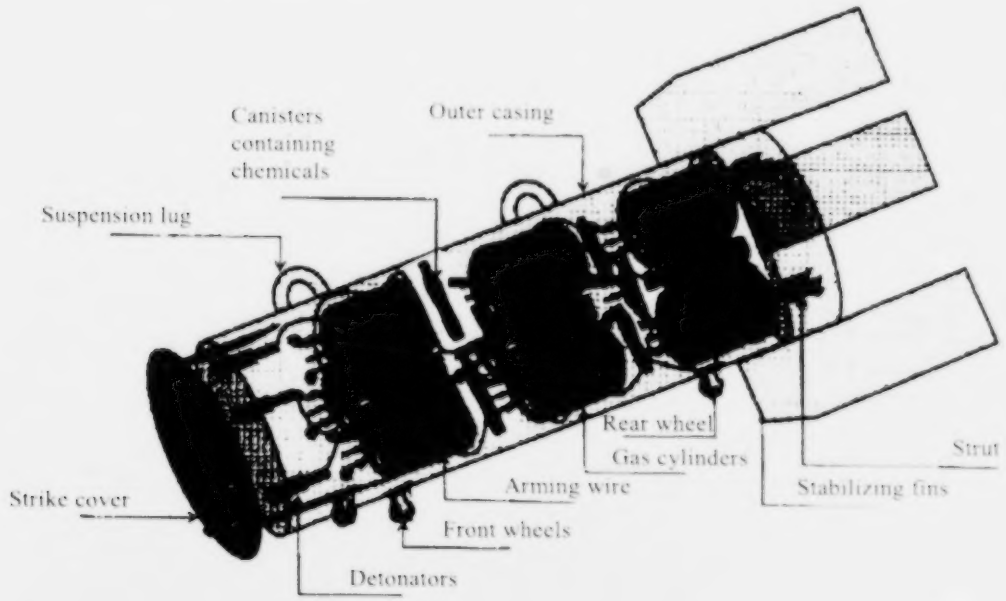
Enclosure

Scientific and objective assessment of the theoretical design proposed by the fact-finding mission of a munition armed with chlorine gas

The diagram below shows the theoretical design proposed by the fact-finding mission of a weapon armed with chlorine gas that is allegedly used by the Syrian Arab Army.

Illustration of the mobile chemical munition that was allegedly used in Idlib governorate in the period from March to May 2015

It is important to note that neither the design shown in the preceding figure nor any similar design has ever been manufactured in the Syrian Arab Republic or is in our depots.



This design is extremely complicated and it is not suitable, either from a scientific or a practical basis, for use as a chemical weapon armed with chlorine gas for the following reasons:

- The design is complicated and it would be difficult to place all of the components inside the casing so as to ensure that it can be used as a chemical weapon.
- If the inside cylinders contained chlorine gas, why were potassium permanganate canisters used?

- If the inside cylinders did not contain chlorine gas, then why were such low-pressure canisters used? Other types of canisters that are less expensive are available.
- It would be difficult to disperse all of the components outside the casing and also ensure that they reacted with each other to produce the desired gas.
- It would be difficult to ensure that the explosion of the detonator would not affect the inside cylinders, and that the majority of the blast force would be directed towards open space, not the casings of the cylinders.
- The use of a centrally located explosive charge to disperse outwards the bomb's components would naturally result in the deformation or destruction of the internal components and scatter them far apart, thereby preventing the chemical reactions needed to produce chlorine gas from occurring.
- Why were all of these components used, when there are far easier and more effective ways to manufacture chemical munitions that are armed with chlorine gas?

Based on the foregoing, we conclude that:

(a) This design is strictly theoretical; it is complicated and cannot be manufactured easily.

(b) It is not possible to ensure that it would be aerodynamically balanced or stable.

(c) It would not be possible to ensure its accuracy.